

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
POLO BUILDERS, INC., et al.)	No. 04 B 23758 (jointly administered)
)	
Debtors.)	
_____)	
DAVID BROWN, Trustee,)	
)	
Plaintiff,)	
v.)	No. 06 A 1168
)	
AAOHA, et al.,)	
)	
Defendants.)	Judge Goldgar

**ORDER DIRECTING SEVERANCE OF ADVERSARY PROCEEDINGS
AND REQUIRING FILING OF SEPARATE COMPLAINTS,
ISSUANCE OF NEW SUMMONSES, AND SERVICE OF PROCESS**

This matter came on for its first regularly scheduled status hearing. An initial review of the complaint shows that the plaintiff-trustee has brought a fraudulent transfer complaint against several hundred separate defendants. Not all of the claims arise out of the same transaction, occurrence, or series of transactions or occurrences, and it is apparent that there will not be questions of law or fact common to all of the defendants. Pursuant to Rule 20 of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 20 (made applicable by Fed. R. Bankr. P. 7020), the court finds that the defendants are misjoined.

Accordingly, IT IS HEREBY ORDERED:

1. Pursuant to Rule 21 of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 21 (made applicable by Fed. R. Bankr. P. 7021), the claims against each defendant are severed into

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separate adversary proceedings.

2. Within 30 days of the date of this order, the trustee must file a *new, separate and individual complaint for each defendant*, which will be assigned a new docket number as is done in the ordinary course. A copy of this order must be attached to each complaint.

3. The filing of each new complaint is deemed to *relate back* to the date of the filing of the complaint in the above-captioned adversary proceeding No. 06 A 1168.

3. A separate fee must be paid for the filing of each new complaint unless the fee is waived.

4. A new, separate summons must be issued directed to the defendant named in each new complaint.


5. Each new summons and complaint must be served on the defendant to whom the complaint is directed in the manner required under the Bankruptcy Rules.

6. Except for defendant AAOHA, which will remain a defendant in the above-captioned adversary proceeding, the defendants *need not answer or otherwise plead* to the complaint in adversary proceeding No. 06 A 1168. Following valid service, the time for each defendant to answer or otherwise plead to the new complaint will be governed by the Bankruptcy Rules.

6. With each new summons and complaint, the trustee must also serve the defendant with a copy of this order.

SO ORDERED.

Dated: August 2, 2006


A. Benjamin Goldgar
United States Bankruptcy Judge